

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

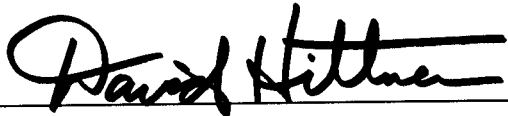
Kiva Kitchen & Bath, Inc.,	§	
Plaintiffs,	§	
	§	
v.	§	Civil Action No.: H-06-2562
	§	
	§	
Capital Distributing, Inc.,	§	
et al,	§	
Defendants.	§	

ORDER

Pending before the Court is Defendant's Motion for Judgment as a Matter of Law and, in the Alternative, Request for New Trial (Inst. # 168). Having considered the motion, submissions and the applicable law, the Court determines that the motion should be denied. Accordingly, the Court hereby

Orders that Defendant's Motion for Judgment as a Matter of Law and, in the Alternative, Request for New Trial (Inst. # 168) is DENIED.

Signed at Houston, TX on the 7 day of May, 2008.



DAVID HITTNER
United States District Judge